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Economic and Social Council

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Committee on Non-Governmental Organizations
2006 regular session
19-27 January
Agenda item 8
Consideration of special reports

Special reports

Note by the Secretary-General

1. At its 2004 regular session, the Committee on Non-Governmental Organizations, in accordance with paragraph 55 of Economic and Social Council resolution 1996/31 of 25 July 1996, suspended the consultative status of the organization Indian Movement "Tupaj Amaru", further to the complaint made by the representative of the United States of America at the end of the 2003 regular session.[1]

Background

2. Indian Movement "Tupaj Amaru" is an international non-governmental organization that was granted special consultative status with the Economic and Social Council in 1997.

3. At the regular session of the Committee in 2003, the representative of the United States of America introduced a complaint against Indian Movement "Tupaj Amaru". The United States representative stated that during the fifty-ninth session of the Commission on Human Rights, two representatives of the organization had rushed towards the United States delegation carrying a large cylindrical object. While facing the camera of a Cuban television crew, those two individuals had unfurled a banner, on which were written the letters "PACE", and had chanted anti-American slogans.

4. A Committee member highlighted that the organization had already sent letters of apology to both the United Nations High Commissioner for Human Rights and the head of the Security and Safety Service of the United Nations, explaining that the incident was the personal decision of one individual involved in the incident and that the accreditation of that person to "Tupaj Amaru" had been withdrawn.

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5. Copies of those letters were requested by the Secretariat from the United Nations High Commissioner for Human Rights and the head of the Security and Safety Service of the United Nations for circulation to the Committee.

6. At the 2003 resumed session, the Committee reviewed the report submitted by the non-governmental organization in response to questions posed by the United States delegate at the previous session.

7. The Committee decided that a representative of the organization should appear in person at the 2004 regular session to answer further questions. With regard to the request of the Committee, a letter was sent to the organization on 22 December 2003, requesting the presence of a representative at the 2004 regular session.

8. The representative of the organization failed to attend the 2004 regular session and the representative of the United States requested suspension of the consultative status of the organization for one year. The proposal was carried by a roll-call vote in favour of the suspension.

9. At the substantive session of the Committee in 2004, the Economic and Social Council endorsed the recommendation of the Committee, in accordance with paragraph 57 (a) of Council resolution 1996/31, to suspend the special consultative status of Indian Movement "Tupaj Amaru" for a period of one year, effective 23 July 2004.

10. A request by Indian Movement "Tupaj Amaru" for reinstatement of its consultative status and the response of the Non-Governmental Organizations Section are attached (see annexes I and II).

Notes

[1] E/2003/32 (Part II), para. 97.

instructions from any external source. It has always resolutely opposed corruption in all its forms and manifestations.

(c) As its four-yearly report clearly shows, in its efforts to promote and protect the rights of all peoples and nations, the organization has achieved more than some other non-governmental organizations that merely pay lip service to the ideals of the United Nations, both through its actions in the field of human rights and through its implementation of sustainable projects on behalf of indigenous communities. By its active participation in United Nations forums it has made a substantial contribution to the work of the United Nations and, in particular, of the Council and its subsidiary organs.

Conclusion

The sanction imposed by the Committee, with a total lack of objectivity and impartiality, clearly contravenes the spirit and letter of Economic and Social Council resolution 1996/31, particularly paragraph 57 thereof. The failure to incorporate or observe the rules of procedure, the faulty finding of facts and the imposition of retaliatory measures in a spirit of vengeance reveal a politically motivated determination to punish the organization and silence the voices of indigenous peoples.

For these reasons,

The organization stands by the terms and conclusions of this appeal which, in the absence of a procedure for judicial review, is respectfully brought to the attention of the Committee on Non-Governmental Organizations with a view to the reinstatement of its special consultative status, with effect from the date on which the sanction expired, namely, 22 July 2005.

Annex II

[Original: French]

I have duly noted your letter of 25 October 2005 regarding consideration of the reinstatement of the special consultative status of your organization with the United Nations Economic and Social Council by the Committee on Non-Governmental Organizations.

Unfortunately, it was not possible to include this item in the agenda of the Committee for its May 2005 session, because one year had not elapsed since the suspension of your organization's consultative status by the Council in July 2004. However, the item will be included in the agenda for the Committee's next session, which will be held from 19 to 27 January 2006 in New York. The reinstatement of the consultative status of an organization with the Council has, so far, always been effected only upon the recommendation of the Committee.

I shall inform you of the date on which the Committee will consider the item as soon as the agenda for the Committee's next session has been adopted. Of course, if you wish, you may participate in the meeting and respond to any questions that the Committee may wish to ask concerning your organization.

(*Signed*) Michèle **Fedoroff**
Officer-in-Charge of the Non-Governmental Organizations Section
Department of Economic and Social Affairs

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30 November 2005

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Committee on Non-Governmental Organizations
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Implementation of Economic and Social Council decision 2005/240

Report of the Secretary-General

1. In its decision 2005/240, the Economic and Social Council decided to request the Secretary-General to examine the causes for persistent delays in the availability of documentation for the Committee on Non-Governmental Organizations, take measures to address the problem and submit a report to the Committee at its 2006 regular session. The present report has been prepared in compliance with that request.

Documentation

2. The documentation submitted to the Committee is typically comprised of:

(a) Reports prepared by the Secretariat to inform the Committee's substantive discussions covering a wide range of issues related to NGOs. Such reports may be prepared either in response to an express request (as in the case of the present report) or at the initiative of the Secretariat;

(b) Special reports prepared by NGOs at the request of the Committee, outside the regular quadrennial schedule. Non-governmental organizations are usually called upon to produce special reports in response to complaints brought against them by one or more Member States. There are no strict rules or technical guidelines governing the preparation of such reports. However, in its request for special reports, the Committee indicates the scope and nature of the information it requires from NGOs;

(c) Reports prepared by NGOs on their activities and submitted to the Committee every four years in compliance with Council resolution 1996/31. Quadrennial reports constitute the only formal monitoring mechanism by means of which the Committee may confirm that an organization is maintaining its original aims and orientation. Although relatively unstructured in format, quadrennial reports are subject to certain technical and editorial rules, and NGO submissions are

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not transmitted to the Committee until a detailed Secretariat review process has determined their compliance with the written guidelines setting out all such requirements;

(d) Questionnaires completed by NGOs applying for consultative status with the Council. The questionnaire has a highly structured format requiring short answers to approximately 21 open-ended questions, accompanied by a one-page summary of the most pertinent questionnaire items. As for quadrennial reports, the drafting and presentation of questionnaire responses are subject to specific guidelines and a rigorous and often lengthy pre-screening by the Secretariat to ensure that the relevant technical requirements have been met before transmission to the Committee.

3. The examination showed that the problem of delay was confined to NGO application questionnaires and quadrennial reports.

Findings

4. It has been determined that for every four applications screened by the Secretariat, only one is finalized and submitted to the Committee for its consideration. This is, in itself, a lengthy and painstaking exercise. For example, although the members of the Committee usually review and base their consideration on the applicant's questionnaire responses, the full application package submitted by an NGO seeking consultative status includes specified supporting material (official registration papers, publications, audited budget documents, etc.), that must be checked by the Secretariat for validity and internal consistency.

5. Applications or reports submitted with incomplete or inadequate documentation or responses are returned with suggestions for revision and this begins an ongoing dialogue between the reviewing officer and the NGO. On average, this exchange will consist of at least two written exchanges for each application (approximately three or four in the case of quadrennial reports), often augmented by extensive telephone and personal consultations.

6. Nevertheless, it is an important part of the Secretariat's mandate to assist NGOs in bringing their applications into line with the Committee's criteria as long as they remain actively involved, no matter how lengthy the process may prove to be. In the light of the directive contained in Council resolution 1996/31, the Secretariat goes to great lengths to make every allowance for the special circumstances of organizations constrained by poor communications infrastructure and/or linguistic difficulties.

7. The success of the concerted effort on the part of the Secretariat to redress the geographical imbalance of NGO representation in the Council is evidenced by the fact that approximately one half of the organizations recommended for consultative status by the Committee at its last three sessions were from developing countries and countries with economies in transition.

Measures taken to address the problem

8. Measures taken include:

(a) At its 2000 session, the Committee established an informal working group on NGOs, which meets regularly throughout the year to discuss a wide range of technical issues in order to facilitate the smooth functioning of the Committee;

(b) Guidelines for the Committee's new application form have been prepared and clear instructions provided;

(c) The working group has updated the guidelines for NGO quadrennial reports to reflect the Committee's new approach to their review and suggest what information would be most useful for such a review;

(d) The quadrennial guidelines are being further elaborated not only to define how organizations should describe their activities but more importantly to reflect specific areas of substantive concern; they set out the Committee's expectations regarding the activities that contribute to both the development concerns of the Council and the overall goals and objectives of the global community.